



**OFFICE OF THE COMMISSION AUDITOR  
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**INFRASTRUCTURE AND CAPITAL  
IMPROVEMENTS COMMITTEE MEETING**

**July 13, 2020**

**2:00 P.M.**

**Virtual Meeting**

Yinka Majekodunmi, CPA  
Commission Auditor

Office of the Commission Auditor (OCA)  
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**DEPARTMENTAL ITEM**

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**TRANSPORTATION AND PUBLIC WORKS**

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**ICI Committee Meeting:  
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**Item No. 3C**  
**File No. 201079**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY TO PROVIDE THE TOWN OF CUTLER BAY WITH FUNDING IN AN AMOUNT UP TO \$8,889,159.00 FOR THE DESIGN AND CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG FRANJO ROAD FROM OLD CUTLER ROAD TO SW 184 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Joint Participation Agreement (JPA) between Miami-Dade County ("The County") and the Town of Cutler Bay ("The Town") to provide for the design and construction of a roadway project along Franjo Road from Old Cutler Road to Southwest 184 Street in an amount not to exceed \$8,889,159 for the Department of Transportation and Public Works.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Transportation and Public Works (DTPW)

This item has no procedural history currently.

**ANALYSIS**

The purpose of this item is to request Board approval regarding a JPA for a roadway improvement project in the Town of Cutler Bay for a five-year term. The Town is seeking enhancements to establish major corridors with multimodal capacity improvements for the ease of community transportation. The Town has already evaluated four corridors as part of the Town's Complete Streets Corridor Study. The proposed roadway project has a fiscal impact to the County of \$8,889,159 and is inclusive of a 10% contingency allowance. Project funding will derive from District 6 Road Impact Fees. The project area is located in District 8, represented by Commissioner Daniella Levine Cava.

The Board approved a similar JPA back in October 2018, through Resolution No. R-1086-18, between the County and the Village of Palmetto Bay to provide for funding in a maximum amount of \$400,000 for a roadway construction project along Southwest 136 Street from U.S. 1 to Old Cutler Road. In that instance, the project was situated in Commission Districts 7 and 8, represented by Commissioners Xavier L. Suarez and Daniella Levine Cava, respectively.

Regarding the subject JPA under this item, OCA conducted a search of the County's Budget Analysis Tool (BAT) System on July 10, 2020. According to BAT, the JPA's project code P2000000540 is for Increase Traffic Capacity Countywide Widening Road and part of the FY 2019-20 adopted budget as a line item in the amount of \$25,187,000; the project is also listed as a multi-year Capital Plan through FY 23-24, with a projected total (spanning FY 18-19 through FY 23-24) of \$310,481,000.

The roadway segments for this JPA consists of widening Franjo Road from Old Cutler Road to Southwest 184 Street (aka Eureka Drive) from two lanes to three lanes and will provide for the following improvements: a center turn lane; curb and gutters; shared-use path; storm drainage system; pavement markings and signage; and signalization and roadway lighting. This JPA is necessary as the County will assist with the implementation phase of Franjo Road.

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According to the JPA, the County and Town are designated key responsibilities for this project. Table 1 shows a summary breakdown of each entity's duties under the JPA.

**Table 1**

County Responsibilities	Town Responsibilities
Provide funds up to \$8,889,159 (includes a 10% contingency) for eligible costs	Secure engineering, design and consulting services from qualified firms to develop construction plans, technical specifications, et al.
Disburse to the Town funds for the project	Make available to the County a design consultant to review drawings and perform required post-design services
Incur no liability for any costs in excess of said funding	Prior to advertising to solicit design services from qualified firms, provide the County compliance proof of SBE-A&E in adherence with County Code

Regarding change orders, the JPA requires that the Town notify the County's DTPW in writing when claims or change orders arise; the Town shall also invite the County to participate in negotiations of such claims and work orders, with the County making a determination of such.

The JPA for this item designates the County to utilize Town resources to design, contract and construct the roadway project on a reimbursable basis, with County staff charged with reviewing the submission of design invoices and overseeing construction inspection. The Town – which approved this JPA via Resolution in January 2020 – will implement a Public Improvement Plan (PIP) during the design and construction phase of the work. The PIP will serve to disseminate information to property owners, residents and stakeholders pertaining the planned roadway improvements in the area. Construction along Franjo Road is tentatively scheduled to commence in June 2022.

A provision of the JPA requires that whenever County funds are utilized for this project, the Town will comply with County regulations, such as Small Business Enterprise (SBE) Goods Program, the SBE Services Program, the SBE Architecture and Engineering Program and the SBE Construction Services Program, the Community Workforce Program (CWP), the Resident First Training and Employment (RFTE) and the Responsible Wages and Benefits Ordinance, Sec. 2-11.16 of the County Code. For this JPA, the County's SBD Division has reviewed the work and recommends the following contract measures: 34.16% SBE-A&E, 13.11% SBE-Con., and 4% SBE-Svcs.

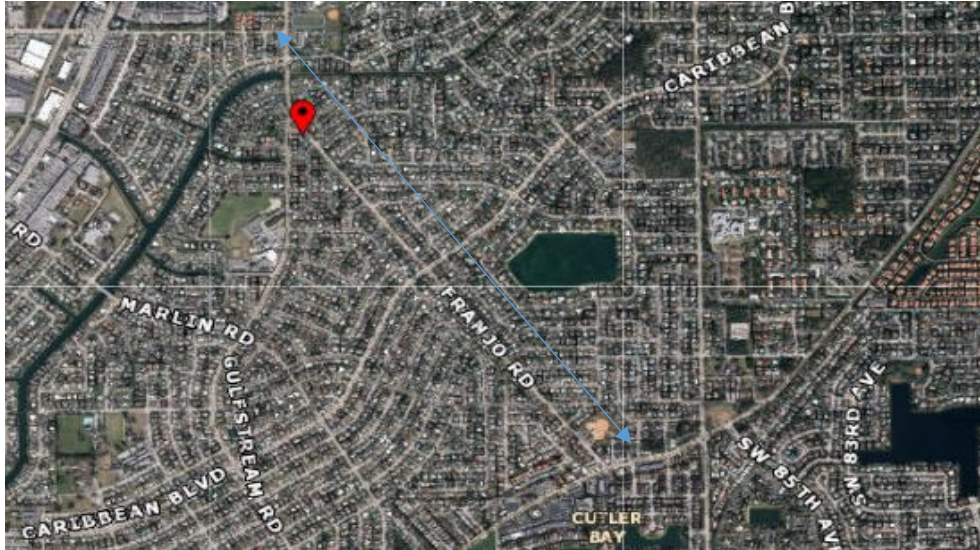
Illustration 1 shows the vicinity of Franjo Road from Old Cutler Road to SW 184 Street.

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Illustration 1



Illustrations 2 and 3 show examples of the type of work intended for the respective stretch along Franjo Road.

**Illustration 2 – Curb and Gutter Work**



**Illustration 3 – Pavement Marking**



**ADDITIONAL INFORMATION**

The Town of Cutler Bay's Complete Streets Corridor Analysis from 2017 included four study corridors: Franjo Road, SW 87 Avenue, Marlin Road, and Gulfstream Road. The complete Analysis may be accessed here:

<http://www.miamidadetpo.org/library/studies/cutler-bay-complete-streets-corridor-analysis-exhibit-a-2017-08.pdf>

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**APPLICABLE LEGISLATION/POLICY**

**Implementing Order 10-13** (Public Involvement Plan) establishes a policy of Miami-Dade County to implement Public Involvement Plans (PIPs) as part of major capital improvement projects that may adversely impact neighboring businesses, schools and/or residents.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO10-13.pdf>

**Section 2-8.1.1.1.2** (Small Business Enterprise Goods Program) establishes provisions of the Small Business Enterprise Goods Program for the County.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.2SMBUENGOPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR)

**Section 2-8.1.1.1.1** (Small Business Enterprise Services Program) establishes provisions of the Small Enterprise Services Program for the County.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.1SMBUENSEPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR)

**Section 2-10.4.01** (Small Business Enterprise Architecture and Engineering Program) establishes provisions of the Small Business Enterprise Architecture and Engineering Program for the County.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

**Section 10-33.02** (Small Business Enterprise Construction Services Program) establishes provisions of the Small Business Enterprise Construction Services Program for the County.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-  
33.02SMBUENCPOSEPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCPOSEPR)

**Section 2-1701** (Community Workforce Program) establishes the provisions of the Community Workforce Program for the County.

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dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

**Section 2-11.17** (Residents First Training and Employment) establishes the provisions of the Residents First Training and Employment for the County.

[https://library.municode.com/search?stateId=9&clientId=11719&searchText=Resident%20  
First%20Training%20and%20Employment%20&contentType=CODES](https://library.municode.com/search?stateId=9&clientId=11719&searchText=Resident%20First%20Training%20and%20Employment%20&contentType=CODES)

**Section 2-11.16 of the Code of Miami-Dade County**, (County Construction), applies (a) other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or

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repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors.

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

### **CONTRIBUTORS**

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### **The Office of the Commission Auditor, Miami-Dade Board of County Commissioners**

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).